

REMARKS

Of the above-presented Claims 1 - 20, Claims 16-20 are newly presented, Claim 11 was indicated as allowable, and Claims 1-10 and 12-15 stand rejected as indefinite in the sense of 35 U.S.C. 112 or anticipated under 35 U.S. C. 102 by the disclosure of the Rogers U.S. Patent No. 3,238,491. The indication of allowability of Claim 11 is appreciated. Claim 11 is amended to correct minor punctuation errors and to delete the expression "conveniently and securely" found to be objectionable to the Examiner in regard to other claims. The remaining claims are amended or newly presented to adequately recite claim elements of the invention. It is respectfully submitted that the amended and newly presented claims satisfy 35 U.S.C. 112 without reciting new matter as they are supported in the specification. Reconsideration and allowance of the pending claims is respectfully requested.

Claims 1-9, 12 and 13 were rejected as lacking an adequate recitation of the relationship between the parts, and therefore failing to particularly point out and distinctly claim the invention under 35 U.S.C. 112, second paragraph. In response, Claim 12 is rewritten and made dependent on Claim 11, and independent Claim 1 and dependent Claims 2-9, 13, and 20 are amended to recite a kit that is capable of being used to implant a sling in a body pathway to treat incontinence.

The recited components of the kit include at least a first elongate needle that is capable of forming the body pathway, a coupler that may be coupled with the first elongate needle, and "sling association means" that is intended to either be part of the coupler or part of the sling so that the sling may be drawn through the body pathway. The "sling association means" finds explicit support in the "sling association structure" recited in the specification. It comprises either a fixed attachment with a sling end per most of the disclosed embodiments, e.g., at paragraphs 0080, 0087 and 0090, and as recited in new Claim 20 or the frictional connection with a sling having a sling associated needle per the embodiment depicted in FIG. 38 used as recited in allowed claim 11 and in paragraph 0025.

The sling associated needle and the sling association structure of the coupler that couples with the needle tip are also explicitly claimed in amended dependent Claim 5 and disclosed in the paragraphs 0100 - 0102 (interposed between paragraphs 00130 and 00131 on pages 26 and 27).

Certain of the dependent claims are revised to recite the structure that requires an Insertion Force or resists a Separation Force as these forces are described in 00107 - 00104.

Claims 10, 14 and 15 were rejected as anticipated by the Rogers U.S. Patent No 3,238,491. The Rogers patent is clearly directed to an aircraft antenna coupling mechanism that is prima facie unrelated to the technology of the present invention, and it appears that the Examiner relied upon it by reading "needle" on the Rogers patent antenna and disregarding the use limitations expressed in the preambles of applicants' claims. Independent Claims 10 and 15 dependent Claims 14 and 16-19 to the coupler itself are amended above to recite the body pathway and the "sling association means" or "sling association structure" which finds no counterpart in the Rogers patent.

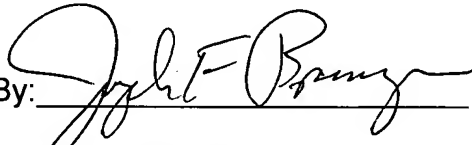
The specification was also objected to as failing to provide proper antecedent basis for the "means for 'conveniently and securely connecting'..." recite in Claim 15. Without conceding this point, applicants are simply removing the "conveniently and securely connecting" limitation.

Application No. 10/616,938
Reply to the Office Action dated June 23, 2005

It is therefore respectfully submitted that the claims are therefore allowable and such action is requested. The Examiner is respectfully invited to telephone the undersigned to discuss the claims and the reasons that he may have for maintaining the rejections.

Dated: 9/8/05

Respectfully Submitted,

By: 

Joseph F. Breimayer
Registration No. 25,551

BREIMAYER LAW OFFICE
1221 Nicollet Mall, Suite 206
Minneapolis, MN 55403
Telephone: (612) 338-1279
Fax: (612) 338-0910